

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOE ALVES, individually and on behalf of all others similarly situated,

Plaintiff,

C.A. No. 1:22-CV-11820-IT

v.

THE GOODYEAR TIRE & RUBBER COMPANY,

Defendant.

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND
TO COMPLAINT AND TO ESTABLISH BRIEFING SCHEDULE**

Plaintiff Joe Alves, individually and on behalf of all others similarly situated (“Plaintiff”), and Defendant The Goodyear Tire & Rubber Company (“Goodyear” or “Defendant”) (together, the “Parties”) respectfully request that the Court extend the time in which Goodyear must respond to Plaintiff’s complaint and establish a briefing schedule for Goodyear’s anticipated motion to dismiss the complaint.¹ In support of this motion, the Parties state as follows:

1. On October 24, 2022, Plaintiff filed a putative class action complaint on behalf of all Massachusetts residents whose website communications were allegedly captured through the use of session replay computer code on Goodyear’s website. Plaintiff contends that Goodyear’s conduct violates the Massachusetts Wiretapping Act, Mass. Gen. Laws ch. 272, § 99 and Massachusetts Invasion of Privacy Statute, Mass. Gen. Laws ch. 214, § 1.

2. Goodyear was served with the summons and complaint on October 26, 2022, through its agent for service of process, Corporation Service Company. Accordingly, Goodyear’s current deadline to respond to the complaint is November 16, 2022.

¹ In joining this motion, Goodyear does not waive and expressly reserves any and all defenses to Plaintiff’s complaint including, but not limited to, lack of personal jurisdiction.

3. Goodyear anticipates filing a motion to dismiss the complaint, and the Parties have discussed a proposed briefing schedule, taking into account the upcoming holidays and preexisting commitments in other cases. The Parties' proposed briefing schedule is as follows:

Defendant's motion to dismiss due by: 12/16/2022

Plaintiff's response to Defendant's motion to dismiss due by: 1/31/2023

Defendant's reply due by: 2/14/2023

4. By this joint motion, Goodyear respectfully requests leave to file a reply of not more than ten (10) pages in further support of its motion to dismiss, and respectfully submits that good cause exists because Plaintiff's complaint raises novel issues regarding the application of the Massachusetts wiretapping and invasion of privacy statutes to Goodyear's alleged use of session reply computer code on its website, and the alleged impact of the use of this technology on Massachusetts visitors to Goodyear's website. Plaintiff consents to this request for a reply.

5. This is the Parties' first request for an extension of time.

WHEREFORE, the Parties respectfully request that this Court grant their joint motion and establish the deadlines proposed above.

Respectfully submitted,

JOE ALVES, individually and on behalf of all other similarly situated,

By his attorneys,

/s/ Joseph P. Guglielmo
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THE GOODYEAR TIRE & RUBBER COMPANY,

By its attorneys,

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Dated: November 9, 2022

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

The undersigned counsel for the Defendant hereby certifies that he has conferred with counsel for the Plaintiff, and that the Parties file this motion jointly.

/s/ Michael T. Maroney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent those indicated as non-registered participants on November 9, 2022.

/s/ Michael T. Maroney